

USDC(NH) 1:20-cv-00517-PB (Soler)
Privilege Log

1:20-cv-00517-PB

Document ID	Document ID	Description	From	Date	To	Content	Characteristics	Applicable Exceptions (Checkmark)	Notes	
DOC_0232	DOC_0233	discoverable - attorney client communication.msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor	Erik Bal	discoverable - attorney client communication	Attorney-Client Communication	Confidential communication involving legal advice communicated from Attorney Erik Bal to Deborah Robinson concerning email communications involving certain types of content.
DOC_0238	DOC_0242	FW_10_30_tomorrow_WS.msg	Deborah Robinson	17-Jun-20	Teresa Quint	Eric Hansmeier, Garrett Graves, Deborah Robinson	Christine O'Connor	10:30 tomorrow? WS	Safety/security	Email containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.
DOC_0234	DOC_0237	FW_10_30_tomorrow.msg	Deborah Robinson	17-Jun-20	Teresa Quint	Eric Hansmeier, Garrett Graves, Deborah Robinson	Christine O'Connor	10:30 tomorrow? WS	Safety/security	Email containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.
DOC_0275	DOC_0278	FW_Subpoena.msg	Deborah Robinson	29-Jan-20	Heather Wood	Erik Bal	Wendy Martin, Deborah Robinson	Subpoena	Attorney-Client Communication	Confidential communication seeking legal advice communicated from Heather Wood to Attorney Erik Bal concerning release of medical records.
DOC_0275	DOC_0278	FW_Subpoena.msg	Deborah Robinson	5-Feb-20	Erik Bal	Heather Wood	Wendy Martin, Deborah Robinson	RE: Subpoena	Attorney-Client Communication	Confidential communication involving legal advice communicated from Attorney Erik Bal to Heather Wood concerning release of medical records.
DOC_0279	DOC_0283	FW_thoughts regarding issue - attorney client communication (1).msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor, Eric Hansmeier, David Choi, Erik Bal	Wendy Martin	thoughts regarding issue - attorney client communication	Attorney-Client Communication	Confidential communication seeking legal advice from Attorney Erik Bal regarding possible actions to take regarding plaintiff's phone privileges under circumstances of concern about negative impact on plaintiff's best interests.
DOC_0284	DOC_0288	FW_thoughts regarding issue - attorney client communication (2).msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor, Eric Hansmeier, David Choi, Erik Bal	Wendy Martin	thoughts regarding issue - attorney client communication	Attorney-Client Communication	Confidential communication seeking legal advice from Attorney Erik Bal regarding possible actions to take regarding plaintiff's phone privileges under circumstances of concern about negative impact on plaintiff's best interests.
DOC_0289	DOC_0292	FW_thoughts regarding issue - attorney client communication (3).msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor, Eric Hansmeier, David Choi, Erik Bal	Wendy Martin	thoughts regarding issue - attorney client communication	Attorney-Client Communication	Confidential communication seeking legal advice from Attorney Erik Bal regarding possible actions to take regarding plaintiff's phone privileges under circumstances of concern about negative impact on plaintiff's best interests.
DOC_0293	DOC_0296	FW_thoughts regarding issue - attorney client communication (4).msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor, Eric Hansmeier, David Choi, Erik Bal	Wendy Martin	thoughts regarding issue - attorney client communication	Attorney-Client Communication	Confidential communication seeking legal advice from Attorney Erik Bal regarding possible actions to take regarding plaintiff's phone privileges under circumstances of concern about negative impact on plaintiff's best interests.
DOC_0297	DOC_0299	FW_thoughts regarding issue - attorney client communication (5).msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor, Eric Hansmeier, David Choi, Erik Bal	Wendy Martin	thoughts regarding issue - attorney client communication	Attorney-Client Communication	Confidential communication seeking legal advice from Attorney Erik Bal regarding possible actions to take regarding plaintiff's phone privileges under circumstances of concern about negative impact on plaintiff's best interests.
DOC_0300	DOC_0304	FW_thoughts regarding issue - attorney client communication.msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor, Eric Hansmeier, David Choi, Erik Bal	Wendy Martin	thoughts regarding issue - attorney client communication	Attorney-Client Communication	Confidential communication seeking legal advice from Attorney Erik Bal regarding possible actions to take regarding plaintiff's phone privileges under circumstances of concern about negative impact on plaintiff's best interests.
DOC_2688	DOC_2689	NHH and SPU Quarterly Meeting agenda 10.8.19.docx	Deborah Robinson					NHH and SPU Quarterly Meeting Minutes 10/7/19 NHH Batchelder Conference Room	Attorney-Client Communication	Confidential communication of NHH Legal Counsel Lyn Mitchell providing legal advice concerning patient movement.

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DOC_2692	DOC_2693	NHH and SPU Quarterly Meeting minutes 10.8.19.docx	Deborah Robinson					NHH and SPU Quarterly Meeting Minutes 10/7/19 NHH Batchelder Conference Room	Attorney-Client Communication	Confidential communication of NHH Legal Counsel Lyn Mitchell providing legal advice concerning patient movement.
DOC_2734	DOC_2736	Re_ 10_30 tomorrow_ WS (5).msg	Deborah Robinson	17-Jun-20	Teresa Quint	Eric Hansmeier, Garrett Graves, Deborah Robinson	Christine O'Connor	10:30 tomorrow? WS	Safety/security	Email containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.
DOC_2722	DOC_2726	Re_ 10_30 tomorrow_ WS (1).msg	Deborah Robinson	17-Jun-20	Teresa Quint	Eric Hansmeier, Garrett Graves, Deborah Robinson	Christine O'Connor	10:30 tomorrow? WS	Safety/security	Email containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.
DOC_2727	DOC_2730	Re_ 10_30 tomorrow_ WS (2).msg	Deborah Robinson	17-Jun-20	Teresa Quint	Eric Hansmeier, Garrett Graves, Deborah Robinson	Christine O'Connor	10:30 tomorrow? WS	Safety/security	Email containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.
DOC_2731	DOC_2733	Re_ 10_30 tomorrow_ WS (4).msg	Deborah Robinson	17-Jun-20	Teresa Quint	Eric Hansmeier, Garrett Graves, Deborah Robinson	Christine O'Connor	10:30 tomorrow? WS	Safety/security	Email containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.
DOC_2737	DOC_2741	Re_ 10_30 tomorrow_ WS.msg	Deborah Robinson	17-Jun-20	Teresa Quint	Eric Hansmeier, Garrett Graves, Deborah Robinson	Christine O'Connor	10:30 tomorrow? WS	Safety/security	Email containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.
DOC_2766	DOC_2768	RE_Notification of Service Filing or Court Documents for Case 317-2018-GI-00414 681659....msg	Deborah Robinson	13-Jun-19	Heather Neville	Deborah Robinson	Erik Bal	FW: Notivation of Service, Filing, or Court Documents for Case: 317-2018-GI-00414, 681659, Guardianship of William Soler, JR for filing Objection	Attorney-Client Communication	Confidential communication of Attorney Heather Neville to Deborah Robinson related to legal advice concerning DOC's position with respect to plaintiff's need for guardianship.
DOC_2766	DOC_2768	RE_Notification of Service Filing or Court Documents for Case 317-2018-GI-00414 681659....msg	Deborah Robinson	14-Jun-19	Deborah Robinson	Heather Neville	Erik Bal	FW: Notivation of Service, Filing, or Court Documents for Case: 317-2018-GI-00414, 681659, Guardianship of William Soler, JR for filing Objection	Attorney-Client Communication	Confidential communication of Deborah Robinson to Attorney Heather Neville related to legal advice concerning DOC's position with respect to plaintiff's need for guardianship.
DOC_2772	DOC_2773	RE_request.msg	Deborah Robinson	16-Dec-20	Deborah Robinson	Erik Bal	Christine O'Connor, Laura Montenegro	FW: request	Attorney-Client Communication	Confidential communication of Deborah Robinson to Attorney Erik Bal regarding legal advice pertaining to meeting referenced in the email thread.
DOC_2812	DOC_2813	RE_Subpoena.msg	Deborah Robinson	29-Jan-20	Heather Wood	Erik Bal	Wendy Martin, Deborah Robinson	Subpoena	Attorney-Client Communication	Confidential communication seeking legal advice communicated from Heather Wood to Attorney Erik Bal concerning release of medical records.
DOC_2812	DOC_2813	RE_Subpoena.msg	Deborah Robinson	29-Jan-20	Erik Bal	Heather Wood	Wendy Martin, Deborah Robinson	RE: Subpoena	Attorney-Client Communication	Confidential communication involving legal advice communicated from Attorney Erik Bal to Heather Wood concerning release of medical records.

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DOC_2814	DOC_2816	RE_thoughts regarding issue - attorney client communication.msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor, Eric Hansmeier, Davis Choi, Erik Bal	Wendy Martin thoughts regarding issue - attorney client communication	Attorney-Client Communication	Confidential communication seeking legal advice from Attorney Erik Bal regarding possible actions to take regarding plaintiff's phone privileges under circumstances of concern about negative impact on plaintiff's best interests.	
DOC_2814	DOC_2816	RE_thoughts regarding issue - attorney client communication.msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor, Eric Hansmeier, Davis Choi, Erik Bal	Wendy Martin RE: thoughts regarding issue - attorney client communication	Attorney-Client Communication	Confidential communication containing legal advice of Attorney Bal concerning actions to take regarding plaintiff's phone privileges under circumstances of concern about negative impact on plaintiff's best interests.	
DOC_2824	DOC_2825	RE_WS (13).msg	Wendy Martin	13-Apr-20	Nancy Clayman	Christine O'Connor, Sherri Phillips, Deborah Robinson, David Choi, Wendy Martin, Ann Marie McCole	Eric Barbaro, Jenny Stillman, Ester Matillano, Denise Downing	RE: WS	Safety/security	Email containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.
DOC_2826	DOC_2828	RE_WS.msg	Wendy Martin	13-Apr-20	Nancy Clayman	Christine O'Connor, Sherri Phillips, Deborah Robinson, David Choi, Wendy Martin, Ann Marie McCole	Eric Barbaro, Jenny Stillman, Ester Matillano, Denise Downing	RE: WS	Safety/security	Email containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.
DOC_2829	DOC_2832	RE_Wsoler.msg	Wendy Martin	2-Feb-18	Heidi Guinen	Kristen Magro	Wendy Martin	RE: Wsoler	Safety/security	Email containing personal contact information, the disclosure of which creates a reasonable risk of harm and harassment to the individual.
DOC_2887	DOC_2889	thoughts regarding issue - attorney client communication.msg	Deborah Robinson	16-Apr-20	Deborah Robinson	Christine O'Connor, Eric Hansmeier, David Choi, Erik Bal	Wendy Martin	thoughts regarding issue - attorney client communication	Attorney-Client Communication	Confidential communication containing legal advice of Attorney Bal concerning actions to take regarding plaintiff's phone privileges under circumstances of concern about negative impact on plaintiff's best interests.
DOC_2896	DOC_2904	Use of Force review 06.19.2018.pdf		19-Jun-18	Captain Marshall	Director Mattis		Use of Force Review	Safety/security	Use of Force Review containing description of information related to confidential security considerations the disclosure of which creates a reasonable risk of harm to the safety and security of residents, staff, and the public.

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Doc #	Contents	Exemption
0232	conversation between Christine O'connor & Deb Robinson CC'd to AAG	no privilige
0235	conversation between Teresa Quint& Deb Robinson & Eric Hansmeier CC'd to Christine O'connor	privilige waived
0240	conversation betweenTeresa Quint& Deb Robinson & Eric Hansmeier CC'd to Christine O'connor	privilige waived
0274	DOC employee multi communication. Top part of email	no privilige
0281	conversation between Christine O'connor, Deb Robinson, David Choi, AAG & Eric Hansmeier, CC'd to Wendy Martin	privilige waived
0286	conversation between Christine O'connor, Deb Robinson, David Choi, AAG & Eric Hansmeier, CC'd to Wendy Martin	privilige waived
0290	conversation between Christine O'connor, Deb Robinson, David Choi, AAG & Eric Hansmeier, CC'd to Wendy Martin	privilige waived
0294	conversation between Christine O'connor, Deb Robinson, David Choi, AAG & Eric Hansmeier, CC'd to Wendy Martin	privilige waived
0297	conversation between Christine O'connor, Deb Robinson, David Choi, AAG & Eric Hansmeler, CC'd to Wendy Martin	privilige waived
0302	conversation between Christine O'connor, Deb Robinson, David Choi, AAG & Eric Hansmeler, CC'd to Wendy Martin	privilige waived
0305	Soler request slip.pdf not printed =307	missing document
0308	007,008,009,010,011,112.png not printed	missing documents
2722	2020 06 18 09 36 17.pdf not printed	missing document
2728	conversation betweenTeresa Quint& Deb Robinson & Eric Hansmeier CC'd to Christine O'connor	privilige waived
2731	conversation betweenTeresa Quint& Deb Robinson & Eric Hansmeler CC'd to Christine O'connor	privilige waived
2734	conversation betweenTeresa Quint& Deb Robinson & Eric Hansmeler CC'd to Christine O'connor	privilige waived
2739	conversation betweenTeresa Quint& Deb Robinson & Eric Hansmeler CC'd to Christine O'connor	privilige waived
2742	001.jpg 002, 003.png not printed redactions	missing documents
2814	conversation between Christine O'connor, Deb Robinson, David Choi, & Eric Hansmeier, CC'd to AAG	privilige waived
2815	conversation between Christine O'connor, Deb Robinson, David Choi, & Eric Hansmeler, CC'd to AAG	privilige waived
2817	NOT ON REDACTION LOG	NOT LISTED
2824	conversation from Nancy Clayman RN to Multiple other medical and CC Eric Barbaro	Security/Safety have court look at
2826	conversation from Nancy Clayman RN to Multiple other medical and CC Eric Barbaro	Security/Safety have court look at
2887	conversation between Christine O'connor & Deb Robinson CC'd to AAG	no privilige
2890	conversation between Christine O'connor & Eric Vangelder	privilige waived
2896	Use of Force review redacted	Security/Safety have court look at

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301

JOHN M. FORMELLA
ATTORNEY GENERAL

JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL



July 26, 2024

VIA E-MAIL

William Soler Justice
51 Storrs St., #310
Concord, NH 03301
gentlegiant03301@yahoo.com

Re: William Soler Justice v. Christopher T. Sununu, et al., USDC-NH Civil No. 1:20-CV-00517-PB

Dear Mr. Justice:

I write in response to your July 25, 2024, email concerning “Document Issues” and containing a Microsoft Excel file identified as “redaction issues,” both of which we discussed by telephone yesterday over the course of an approximately one-hour long conversation that Wanda Duryea was present for and substantively participated in.¹

Since our conversation yesterday, I have had opportunity to review each of the documents you identified as having “issues,” and I now provide you with the following response with respect to each document:

- DOC_0232 (File Name [FN]: *discoverable – attorney client communication*): Defendants maintain their claim that the information redacted from this document is privileged pursuant to the attorney-client privilege for the reasons previously identified in Defendants’ privilege log.
- DOC_0235 (FN: *FW_10_30 tomorrow*): Defendants maintain their claim that the information redacted from this document is confidential information the disclosure of which would create a reasonable risk of harm to the safety and security of residents, staff, and the public. Defendants do not agree with your apparent position that the inclusion of

¹ Please note that during the call, Ms. Duryea said, among other things, that she was “trying to teach [you] what I understand about the law,” which is something that Judge Barbadoro expressly directed her to not do in providing you with organizational assistance as a friend. To the extent Ms. Duryea continues to attempt to teach law to you or to provide you with legal advice as she also did on the call by formulating discovery requests for you, I intend to bring this to the Court’s attention during our next status conference, as Ms. Duryea appears to be continuing to engage in the unauthorized practice of law despite the Court putting her on notice that this is not appropriate conduct.

Eric Hansmeier on this communication waives the confidentiality of this information under the circumstances, as Defendants maintain that disclosure to Eric Hansmeier did not present the legitimate security concern that would arise were this information to be disclosed to you. Defendants clarify that the information has been withheld not on the basis of a privilege, but on the basis of confidentiality in furtherance of legitimate safety and security concerns.

- DOC_0240 (FN: *FW_10_30 tomorrow WS*): Defendants' response is the same as their above response with respect to DOC_0235.
- DOC_0274 (FN: *FW SPU Infirmrary Bed Status*): The redacted information concerns other patients and is neither relevant to your claims nor responsive to your discovery requests. The information has been redacted not only because it is unresponsive, but also because it contains personal identifying information and personal health information of other individuals that hold material privacy interests in their personal identifying and health information remaining confidential.
- DOC_0281 (FN: *FW thoughts regarding issue – attorney client communication(1)*): Defendants maintain their claim that the redacted information is protected from disclosure by the attorney-client privilege, notwithstanding Eric Hansmeier being included in the communication. The communication was made for the purpose of seeking legal advice and was intended to be confidential. Moreover, Mr. Hansmeier's inclusion in the communication was reasonably necessary to facilitate the Department's communication with its attorney regarding whether a course of action was legally advisable in light of circumstances that included Mr. Hansmeier's evaluation of your best interests. It was therefore necessary for the Department to include Mr. Hansmeier in the communication seeking legal advice because the legal advice sought depended, in part, on Mr. Hansmeier's evaluation of whether certain circumstances were or were not contrary to your interests. *See Fox v. Alfini*, 2018 CO 94 (Col. 2018) ("A person is a confidential agent for communication if the person's participation is reasonably necessary to facilitate the client's communication with a lawyer.").
- DOC_0286 (FN: *FW thoughts regarding issue – attorney client communication (2)*): Defendants' response is the same as their above response with respect to DOC_0281.
- DOC_0290 (FN: *FW thoughts regarding issue – attorney client communication (3)*): Defendants' response is the same as their above response with respect to DOC_0281.
- DOC_0294 (FN: *FW thoughts regarding issue – attorney client communication (4)*): Defendants' response is the same as their above response with respect to DOC_0281.
- DOC_0297 (FN: *FW thoughts regarding issue – attorney client communication (5)*): Defendants' response is the same as their above response with respect to DOC_0281.
- DOC_0302 (FN: *FW thoughts regarding issue – attorney client communication*): Defendants' response is the same as their above response with respect to DOC_0281.

- DOC_0305 (FN: *FW thoughts regarding issue*): As discussed with you yesterday and as noted on the Document Production Log previously provided to you, the attachment to the email identified in DOC_0305 as “Soler request slip.pdf” was provided to you at DOC_0307.
- DOC_0308 (FN: *FW Use of Force Report*): The images indicated as being attached to this email are irrelevant to your claims and unresponsive to your discovery requests. I am nevertheless producing the images to you here:

a. image007.jpg:



b. image008.png:



c. image009.png:



d. image010.jpg:



e. image011.png:



f. image012.png:



- DOC_2722 (FN: *Re 10 30 tomorrow WS (1)*): Enclosed with this email, I am providing you with the attachment to this email, a PDF identified as “2020_06_18_09_36_17.pdf.” The document is Bates number DOC_2914.
- DOC_2728 (FN: *Re 10 30 tomorrow WS (2)*): Defendants’ response is the same as their above response with respect to DOC_0235.
- DOC_2731 (FN: *Re 10 tomorrow WS (4)*): Defendants’ response is the same as their above response with respect to DOC_0235.

- DOC_2734 (FN: *Re 10 30 tomorrow WS (5)*): Defendants' response is the same as their above response with respect to DOC_0235.
- DOC_2739 (FN: *Re 10 30 tomorrow WS*): Defendants' response is the same as their above response with respect to DOC_0235.
- DOC_2742 (FN: *RE ATC list for today*): The images indicated as being attached to this email are irrelevant to your claims and unresponsive to your discovery requests. I am nevertheless producing the images to you here:

a. image001.jpg:



b. image002.png:



c. image003.png:



- DOC_2814 (FN: *Re thoughts regarding issue – attorney client communication*): Defendants' response is the same as their above response with respect to DOC_0281.
- DOC_2815 (FN: *Re thoughts re issue – attorney client communication*): Defendants' response is the same as their above response with respect to DOC_0281.
- DOC_2817 (FN: *RE Transfers Moves Internal External*): As I explained in my letter of June 28, 2024, to the extent you find redactions in documents that do not appear on the privilege log, those redactions concern “unresponsive personal identifying information and personal health information of other individuals.” As such, and consistent with what I previously explained in my June 28th letter, I can confirm that the redacted information on this page is not responsive to your discovery request and contains personal identifying information and personal health information of other individuals.
- DOC_2824 (FN: *RE WS(13)*): I have reviewed the original redaction and determined that the scope of the redaction was broader than necessary to ensure protection of confidential security information. As such, I am providing you with a new copy of DOC_2824 (Bates stamped DOC_2915) with a revised redaction.

- DOC_2826 (FN: *RE WS*): The redacted information is the same as the redacted information on DOC_2824, and the scope of that redaction has been narrowed in the document provided to you as DOC_2915.
- DOC_2887 (FN: *thoughts regarding issue – attorney client communication*): Defendants' response is the same as their above response with respect to DOC_0281.
- DOC_2890 (*tx plan and visit*): Defendants' response is the same as their above response with respect to DOC_2817.
- DOC_2896 (*Use of Force review 06.19.2018*). Defendants maintain their position that the redacted information describes confidential information the disclosure of which would create reasonable risk of harm to the safety and security of residents, staff, and the public under the circumstances.

Sincerely,

/s/ Nathan W. Kenison-Marvin

Nathan W. Kenison-Marvin
Assistant Attorney General
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Concord, NH 03301
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Enclosure: DOC_2914 to DOC_2916

NKM/nkm